

17 JUN 1986

MEMORANDUM FOR: Director of Information Services/DDA
Director of Congressional Affairs

FROM: Lee S. Strickland
Information and Privacy Coordinator

SUBJECT: Hearings Before the House of Representatives
Subcommittee on Government Information,
Justice, and Agriculture Concerning an
Amendment to the Freedom of Information Act,
5 June 1986

1. The Amendment under discussion at subject hearings was a much restricted one, concerned only with strengthening the rights of submitters of information to protection under the (b)(4) exemption. The rest of the bill, including many concessions to the news media, had been jettisoned because of strong opposition from a number of government agencies.

2. Ms. Barbara Ennis of the Department of State attended the hearings and shared her observations with us. Ms. Ennis said that, as expected, businessmen spoke in favor of the bill, while persons from the news media spoke against it. According to Ms. Ennis, Representative Glenn English deplored the fact that the administration had "dumped" the more comprehensive bill and stated that there is a strong and determined constituency in favor of many of its provisions. He stated frequently his agreement with opinions of the news media and encouraged its speakers to offer further amendments to the restricted bill. There was no testimony from government agencies.

3. One unusual and potentially troublesome aspect of the current bill is that the provision for 5-day expedited access is still included, but is stated in a way that makes it applicable only to business information. Ms. Ennis opined that requesters could claim that a request on almost any subject was for the purpose of trade and request expedited access under this provision. The General Counsel for the Department of Defense plans to oppose the expedited access provision.

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